WP(C) 2686/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Ms D. Sinha, learned counsel for the petitioner. Also heard Mr Roy, learned State counsel for the official respondents.

For the order which I propose to pass, I do not consider it necessary to issue notices to the private respondents.

The petitioner's averment is that his father Bichitra Das (since deceased) was allotted a plot of land measuring 23 bighas 11 kathas of land covered by Dag Nos 283, 284, 285, 286,287 of Gharamura Forest village by the Divisional Forest Officer, Cachar Division, Silchar vide letter dated 20.4.1974. The petitioner as the heir and legal representative of the said allottee has been in possession of allotted land since long. The petitioner has alleged that the respondent Nos 6 to 8 in collusion have been trying to encroach upon the said land and dispossess him therefrom. The petitioner asserts that he has been paying the land revenue for the land in his occupation. In support of the above, the petitioner has annexed the office letter dated 20.4.74 and the certificate dated 26.10.1976 issued by the sub Beat Officer, Gharmura Sub Beat,Gharamura and the report dated 8.6.2003 of the Draughtsmas (Civil) cum surveyor,DFO, , Hailakandi confirming that the above land had been allotted to the petitioner's father and that he on his(father) death is occupying the same as his heir and legal representative. The learned counsel for the petitioner has urged that in the above factual premise an appropriate direction ought to be issued to the respondents to ensure that his(petitioner) possession is not disturbed by the respondent Nos 6 to 8 and that they be prevented from resorting to any unwarranted illegal activities as mentioned.

Mr Roy submits in reply that as the petitioner has no right to occupy the land which is admittedly of the Forest department, no such direction is called for.

The sworn statements made in the petition along with the documents annexed thereto prima facie indicate that the land in occupation of the petitioner is one allotted to his father by the Forest department on 20.4.1974. It is ,however, not clear as to whether the allotment subsists as on date or not. The certificate dated 26.10.1976 reinforces the petitioner's version of payment of revenue for the land in his occupation apart from the report dated 8.6.2003 confirming the petitioner's entitlement to posses the allotted land .

In the above view of the matter, this petition stands closed with a direction to the Respondent Nos 1 to 5 and more particularly, the Chief Conservator of Forests, Assam, Guwahati to cause necessary steps to be taken to enquire into the allegations made by the petitioner
pertaining to threats by the respondent Nos 6 to 8 to disposses him forcibly from the land in his occupation and take an appropriate decision in this regard. In doing so, the said authority would also ascertain as to whether the petitioner as on date is in occupation of the aforementioned land as claimed by him in terms of the allotment made in his favour .If the enquiry reveals a prima facie right of the petitioner to occupy the land in question, the said authority would ensure that his possession thereof is not disturbed except in accordance with the procedure prescribed by law.

The petition stands closed in the above terms. No costs.